

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EDWARD R. GARZA JR.
PLAINTIFF

RECEIVED
APR 12 2021
CIVIL ACTION NO.
21-1179

V.

CITY OF CHESTER PA
SCI CHESTER,
ADMIN,
HEALTHCARE, ET AL
CROZER HOSPITAL, ET AL.
PENNSYLVANIA D.O.C., ET AL.

COMPLAINT
(SUPPLEMENTAL)

I. JURISDICTION + VENUE

1. This is a civil action authorized 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a) (3). Plaintiff GARZA seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The Eastern District of Pennsylvania Courts is an appropriate venue under 28 U.S.C. Section 1391 (b) (2) because it is where events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff, Edward Roman Garza Jr, is and was at all times mentioned herein a prisoner of the State of Pennsylvania in the custody of the Pennsylvania Department of Corrections. He is now currently confined in Administrative Custody in State Correctional Institution CHESTER in CHESTER PENNSYLVANIA.

III. DEFENDANTS

4. Defendant John Wezfel is the Secretary of the Department of Pennsylvania Corrections and is legally responsible for the overall operations of the SCI CHESTER under full capacity and jurisdiction.
5. Defendant Kenneth Eason is the Superintendent of SCI Chester and is fully responsible for the overall operations and welfare of all inmates.
6. Dr. Little is the head doctor at SCI CHESTER and is fully involved and held liable acting in aggressive medical practices and is responsible under full capacity and jurisdiction. Dr. Little is a key defendant in harsh treatment.
7. Crozer Hospital is named as a defendant along with the staff that acted along with SCI CHESTER in conspiring with Plaintiff's sodomization that took place at the hospital.
8. Chester City is named as a defendant as it is responsible for liability of inmates.

III. FACTS

9. MR. GARZA was transferred to SCI Chester and upon entering I had a debilitating ankle fracture that had been refractured so I was given crutches due to my inability to be mobile. This was Feb 23rd 2021. I was housed on the top tier and top bunk with crutches.
10. ON Feb 25th 2021 on and around 8 pm I go out my cell to make a phone call and as soon as I touch the top step I fall and stumble all the way down a flight of stairs. I am unconscious and I wake to a paralyzed back and neck and broken hand right hand. I am rushed to Crozer Hospital in Chester PA.
11. At around 9 pm that same night of Feb 25th at Crozer hospital I am cuffed and pulled to my right side and a nurse makes a funny joke as to my belief something like "Huh here is the fun part lol!" As and audience of 3 correctional officers watch and a team of students. The room chuckles as I scream for help. I lay ripped in my anus hole while fluids and blood leak. I stay in the hospital till about 4 am. Doctor gives me a neck brace and says I can use it till I'm stronger.
12. The next day Dr. Little rips my neck brace off my neck, says "You are not gonna make me look like a fool now take that off your neck" and "Try me" and along with other nasty comments down the road that I felt threatened enough to file grievances from his abusive language and actions that seem Bias.
13. I'm then put in a wheelchair up until 3/26/21 where I'm being extorted and then I'm thrown in the "Hole" as soon as I get a "Legal Letter" and a docket number for this claim. My letter is gone and most of my mail and my PRA evidence is tampered. All of my rights are forced from me. C.O. Wilson opens my PRA evidence underwear that I bled from my anus in front the whole living quarters "RHU" Dangerous and hostile inmates start to make threatening comments. I try to commit suicide as I couldn't bear it anymore and I felt like my life is threatened as we speak. I will never be the same.
14. April 9th I'm released and I'm also stripped off my wheelchair. Dr. Little says no need as he acts in retaliation. I try to walk and I cant as I give out and fall, the staff forces me to drag myself back to my cell.

I. V EXHAUSTION OF LEGAL REMEDIES

15. Plaintiff Edward Garza used the prisoner DCM-804 grievance policy procedure available at Chester to try and solve the problem. Plaintiff has also contacted chief of counsel several times but to no avail. All grievances are rejected bring for reasons constantly saying I have misspelled or my complaint contains VEC contents? Plaintiff believes SCI Chester is soo under professional that they are not prepared for such matters or can take on a legal issue that I arise. I appealed the grievance only to still be rejected for something soo apparently contradicting and simply foolish. This was rejected on 3/19/2021 per CHCA ROSS (A. ROSS) Approver M. QUINN.

VERIFICATION

16. Plaintiff reallege and incorporate by reference paragraphs 1-16.
17. The defendants acted with a power given to rule and disobediently take advantage of position, to cover and blend each others faults that only contradicted in the end. I HAVE BEEN SODOMIZED I HAVE BEEN PUT IN UNSAFE CONDITIONS TO FEND! all my rights have been taken, stripped, and violated. Defendants knew and just so carelessly turned an arrogant cheek as I suffered to the point of SUICIDE! What should I start to say Cruel and Unusual Punishment and Due Process with ease. Under my sole and God given rights and as well as the Eight and Fourteen th Amendments to the United States Constitution.
18. Plaintiff has no plain, adequate, or complete remedy to process these wrongs for Redress. Plaintiff will continue to be irreparably injured by conduct of the defendants unless the courts grant declaratory and injunctive relief which Plaintiff seeks. And cause of the Covid 19 I am put 22 hours in cell which makes it completely impossible to make an argument in law.

VI. PRAYER FOR RELIEF

WHEREFORE, plaintiff respectfully pray that this court enter judgment granting plaintiff:

19. A declaration that the acts and omissions described violated plaintiff's rights under the Constitution and laws of the United States.
20. A preliminary and permanent injunction ordering defendants at SCI Chester to allow Garza to parole to a rehab for Therapeutic Community instead of doing it here and still being a liability for both sides. Mr. Garza is constantly extorted and targeted and now cause of the sodomization, the inmates like to target men that are with that label.
21. Compensatory damages in the amount of \$300,000 against each defendant, jointly and severally.
22. Punitive damages in the amount of \$100,000 against each defendant.
23. A jury trial on all issues triable by jury
24. Plaintiff's costs in this suit.
25. Any additional relief this court deems just, proper and equitable.

Dated: 4-10-21

Respectfully Submitted,

STATE CORRECTIONAL INSTITUTION
AT CHESTER
500 EAST FOURTH STREET
CHESTER, PA 19013

Edward Roman Garza Jr.
Edward Roman Garza Jr.

VERIFICATION
I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.
Executed at SCI Chester, PA 4-10-21

Edward Garza
Plaintiff

v.

City of Chester

SCI CHESTER, et al

Admin

Healthcare

CROZER HOSPITAL, et al

PA D.O.C., et al

John Witzel

SUMMONS
Civil Action No.
21*1179

TO THE ABOVE-NAMED DEFENDANTS:

You are hereby summoned and required to serve upon plaintiffs, whose address is SCI Chester 500 East 4th Street Chester Pa 19013 an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service, or 60 days if the U.S. GOVERNMENT or officer/agent thereof is a defendant. If so you fail to do so judgment by demanded in the complaint.

Clerk of the Court

[Signature]

Date:

Smart Communications/PADOC

SCI- Chester

Name Edward Guenza

Number 440100

PO Box 33028

St Petersburg FL 33733

U.S. POSTAGE PITNEY BOWES



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United States District Court
Philadelphia, PA 19106-9865

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